United Nations A/57/PV.35

General Assembly
Fifty-seventh session

Official Records

35th plenary meeting
Monday, 21 October 2002, 10 a.m.
New York

President: Mr. Kavan ..... (Czech Republic)

The meeting was called to order at 10.10 a.m.

Agenda item 15 (*continued*)

Elections to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/57/305)

List of candidates (A/57/306)

Curricula vitae (A/57/307)

The President: This morning, the General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term commencing on 6 February 2003. The terms of office of the following judges expire on 5 February 2003: Mr. Shi Jiuyong (China), Mr. Shigeru Oda (Japan), Mr. Géza Herczegh (Hungary), Mr. Carl-August Fleischhauer (Germany) and Mr. Abdul G. Koroma (Sierra Leone).

In connection with the election, I should like to bring the following matters to the attention of the members of the General Assembly.

I should like to confirm that, at this time, the Security Council, independently of the General Assembly, is also proceeding to elect five members of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

> "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court".

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until five candidates have obtained the required majority in the Assembly.

I should like to draw the attention of the Assembly to the documents relating to the election. The list of candidates who have been nominated by national groups is to be found in document A/57/306. The curricula vitae of the candidates are to be found in document A/57/307. The Assembly also has before it document A/57/305, containing a memorandum by the Secretary-General on the present composition of the Court and on the procedure to be followed in the Assembly and in the Security Council with regard to the election.

In accordance with article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 191 Member States. Accordingly, for

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the present election, 96 votes constitute an absolute majority in the General Assembly.

If in the first ballot fewer than five candidates obtain an absolute majority, it will be necessary to proceed to further ballots until five candidates have obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, held on 16 November 1960, those ballots shall be unrestricted.

I should like to remind representatives that, pursuant to rule 88 of the Assembly's rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting".

Therefore, any announcements, such as those concerning withdrawals of candidatures, should be made prior to the commencement of the voting process, that is to say before the announcement of the beginning of the voting process.

I should like to bring another matter to the attention of the General Assembly. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballet. The same also occurred in the General Assembly at the 45th plenary meeting of the fifty-fourth session, on 3 November 1999. The practice followed by the Security Council has been to hold a new vote on all the candidates, and the President of the Council made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained the absolute majority in the Security Council.

Similarly, at the fifty-fourth session of the General Assembly more than the required number of candidates obtained an absolute majority on the same ballot. The General Assembly decided to hold a new ballot on all the candidates, and the President of the General Assembly made no notification to the President of the Security Council until only the required number of candidates, and no more, had obtained an absolute majority.

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The President: I give the floor to the representative of Zimbabwe.

Mr. Muchetwa (Zimbabwe): I would like to inform the General Assembly that Mr. Walter J. Kamba and Mr. Arthur J. Manase have withdrawn from the race.

The President: Members have heard the statement by the representative of Zimbabwe that Mr. Walter J. Kamba and Mr. Arthur J. Manase no longer wish to be considered as candidates. Accordingly, the names of Mr. Walter J. Kamba and Mr. Arthur J. Manase have been deleted from the ballot papers that will be distributed.

I should like to seek the usual cooperation of representatives during the conduct of the election. Please be reminded that during the voting process all campaigning should cease in the General Assembly Hall. This means in particular that once the election has begun no more campaign material can be distributed inside the Hall. All representatives are also requested to remain at their seats so that the voting process can proceed in an orderly manner. I thank representatives in advance for their cooperation.

We shall now begin the voting process. Ballot papers will now be distributed.

Representatives are requested to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Baaziz (Algeria), Ms. Davtyan (Armenia), Mr. Psiachas (Greece), Mr. Francis (Jamaica), Mr. Al-Ojaili (Oman) and Ms. Matti (Switzerland) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.30 a.m. and resumed at 11.35 a.m.

The President: The result of the voting is as follows:

Number of ballot papers:	183
Number of invalid ballots:	0
Number of valid ballots:	183
Abstentions:	0
Number of members voting:	183
Required absolute majority:	96
Number of votes obtained:	
Mr. Hisashi Owada (Japan)	169
Mr. Shi Jiuyong (China)	167
Mr. Peter Tomka (Slovakia)	149
Mr. Abdul G. Koroma (Sierra Leone)	134
Mr. Bruno Simma (Germany)	123
Mr. Hans Corell (Sweden)	94
Mr. John Dugard (South Africa)	43
Mr. Vojin Dimitrijević (Yugoslavia)	25

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Abdul G. Koroma, Mr. Hisashi Owada, Mr. Shi Jiuyong, Mr. Bruno Simma and Mr. Peter Tomka.

I have communicated the result of the voting to the President of the Security Council.

I have received a letter from the President of the Security Council. I call on the representative of the Secretariat to read out that letter.

Mr. Perfiliev (Director, General Assembly and Economic and Social Council Affairs Division) (*spoke in French*):

"I have the honour to inform you that at the 4629th meeting of the Security Council, held on 21 October 2002, for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2003, Mr. Abdul Koroma, Mr. Hisashi Owada, Mr. Shi Jiuyong, Mr. Bruno Simma and Mr. Peter Tomka obtained an absolute majority of votes."

The President: As a result of the independent voting in the Security Council and in the General Assembly, the following five candidates have obtained an absolute majority in both organs: Mr. Abdul G. Koroma, Mr. Hisashi Owada, Mr. Shi Jiuyong, Mr. Bruno Simma and Mr. Peter Tomka. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 2003. I take this opportunity to extend to them the Assembly's congratulations on their election and to thank the tellers for their assistance.

We have thus concluded this stage of our consideration of sub-item (c) of agenda item 15.

Programme of work

The President: I should like to inform members that document A/INF/57/3/Rev.1, containing a revised programme of work and schedule of plenary meetings for the main part of the fifty-seventh session, was issued this morning. I should also like to remind members that the lists of speakers for items listed in document A/INF/57/3/Rev.1 are open.

The meeting rose at 11.40 a.m.